

***[NO MINUTES WERE GENERATED ON FRIDAY,
NOVEMBER 11, 2005, DUE TO THE COURT'S
OBSERVANCE OF VETERANS DAY.]***

2218

**SUPREME COURT MINUTES
MONDAY, NOVEMBER 14, 2005
SAN FRANCISCO, CALIFORNIA**

S138792

A111617 First Appellate District,
Division Two

MOUTON v. DMV

Petition for review and application for stay denied

S137167

B176701 Second Appellate District,
Division Five

PEOPLE v. HILL

Time extended to grant or deny review

to December 20, 2005.

S137216

A106687 First Appellate District,
Division Three

PEOPLE v. KING

Time extended to grant or deny review

to December 23, 2005.

S137322

E035462 Fourth Appellate District,
Division Two

PEOPLE v. LUEVANO

Time extended to grant or deny review

to December 17, 2005.

S137380

E035703 Fourth Appellate District,
Division Two

PEOPLE v. FERNANDEZ

Time extended to grant or deny review

to December 16, 2005.

S137410

A106395 First Appellate District,
Division Five

PEOPLE v. ELLIOT

Time extended to grant or deny review

to December 23, 2005.

S137422

E034205 Fourth Appellate District,
Division Two

PEOPLE v. RODGERS

Time extended to grant or deny review

to December 16, 2005.

S137435

F045937 Fifth Appellate District

PEOPLE v. FAGAN

Time extended to grant or deny review

to December 21, 2005.

S137459A104998 First Appellate District,
Division Five

PEOPLE v. DELEON

Time extended to grant or deny review

to December 21, 2005.

S137463B173686 Second Appellate District,
Division Five

PEOPLE v. AGUILAR

Time extended to grant or deny review

to December 23, 2005.

S137477E033414 Fourth Appellate District,
E033995 Division Two

PEOPLE v. LOPEZ

Time extended to grant or deny review

to December 27, 2005.

S137480B173610 Second Appellate District,
Division Six

PEOPLE v. MILES

Time extended to grant or deny review

to December 22, 2005.

S137487A102390 First Appellate District,
Division Two

PEOPLE v. HIGHTOWER

Time extended to grant or deny review

to December 23, 2005.

S137498

C045298 Third Appellate District

PEOPLE v. MOMEYER

Time extended to grant or deny review

to December 23, 2005

S137511E038824 Fourth Appellate District,
Division Two

DUPREE v. S.C. (PEOPLE)

Time extended to grant or deny review

to December 21, 2005.

S137523

D045115 Fourth Appellate District,
Division One

A. (TOMMY), IN RE

Time extended to grant or deny review

to December 20, 2005.

S137558

B173841 Second Appellate District,
Division One

PEOPLE v. TYSON

Time extended to grant or deny review

to December 23, 2005.

S137560

F046078 Fifth Appellate District

PEOPLE v. FERRELL

Time extended to grant or deny review

to December 23, 2005.

S137574

G035816 Fourth Appellate District,
Division Three

MURILLO v. S.C. (PEOPLE)

Time extended to grant or deny review

to December 23, 2005.

S137578

E036339 Fourth Appellate District,
Division Two

PEOPLE v. FORD

Time extended to grant or deny review

to December 27, 2005

S137580

B174857 Second Appellate District,
Division One

PEOPLE v. PERRY

Time extended to grant or deny review

to December 23, 2005.

S137587

B175945 Second Appellate District,
Division Two

PEOPLE v. RANSOM

Time extended to grant or deny review

to December 23, 2005.

S137590

D043892 Fourth Appellate District,
Division One

PEOPLE v. FLOWERS

Time extended to grant or deny review

to December 27, 2005.

S137618

E035782 Fourth Appellate District,
Division Two

PEOPLE v. ROSS

Time extended to grant or deny review

to December 29, 2005

S137628

F044322 Fifth Appellate District

N. (BRIAN), IN RE

Time extended to grant or deny review

to December 28, 2005

S137632

G033318 Fourth Appellate District,
Division Three

PEOPLE v. ALASHANTI

Time extended to grant or deny review

to December 29, 2005

S015384

PEOPLE v. LETNER & TOBIN

Extension of time granted

to January 26, 2006 to file appellant Letner's reply brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension granted based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing that brief by April 26, 2006.

S022998

PEOPLE v. TOWNSEL (ANTHONY L.)

Extension of time granted

to January 6, 2006 to file appellant's opening brief. Extension is granted based upon counsel's request in which to file the appellant's opening brief. The court anticipates that after that date, only seven further extensions totaling about 420 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S035190

PEOPLE v. HOUSTON (ERIC C.)

Extension of time granted

to January 13, 2006 to file appellant's opening brief. After that date, only four further extensions totaling about 215 additional days will be granted. Extension is granted based upon counsel David H. Schwartz's representation that he anticipates filing appellant's opening brief by August 15, 2006.

S042346

PEOPLE v. JONES (BRYAN)

Extension of time granted

to January 6, 2006 to file respondent's brief. After that date, only three further extensions totaling about 200 additional days will be granted. Extension is granted based upon Deputy Attorney General Karl T. Terp's representation that he anticipates filing that brief by July 14, 2006.

S068536

PEOPLE v. MCWHORTER (RICHARD)

Extension of time granted

to January 6, 2006 to file appellant's opening brief. After that date, no further extension is contemplated. Extension is granted based upon counsel David S. Adams's representation that he anticipates that brief by January 6, 2006.

S069959

PEOPLE v. LEWIS (MICHAEL B.)

Extension of time granted

to November 21, 2005 to file respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Supervising Deputy Attorney General Peter Quon, Jr.'s representation that he anticipates filing that brief by November 21, 2005.

S072316

PEOPLE v. GONZALES (VERONICA)

Extension of time granted

to January 17, 2006 to file appellant's opening brief.

S078895

PEOPLE v. SIVONGXXAY (VAENE)

Extension of time granted

to January 3, 2006 to file appellant's opening brief.

S079179

PEOPLE v. BACON (ROBERT A.)

Extension of time granted

to January 6, 2006 to file appellant's opening brief.

S081918

PEOPLE v. MCKINZIE (KENNETH)

Extension of time granted

to January 6, 2006 to file appellant's opening brief.

S115250

GURULE (RAYMOND) ON H.C.

Extension of time granted

to December 7, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 50 additional days will be granted. Extension is granted based upon Deputy Attorney General Jeffrey M. Bryant's representation that he anticipates filing that document by 2/1/2006.

S130157

A101459 First Appellate District,
Division Three

PEOPLE v. WILSON

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve

and file the answer brief on the merits is extended to and including November 17, 2005. No further extensions will be granted.

S130314

SAPP (JOHN) ON H.C.
Extension of time granted

to December 9, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 45 additional days will be granted. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that document by January 23, 2006.

S131322

LEWIS (RAYMOND) ON H.C.
Extension of time granted

to December 5, 2005 to file informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon counsel Kevin G. Little's representation that he anticipates filing that document by early January 2006.

S133343

A105312 First Appellate District,
Division Three

MICROSOFT CORP v. FRANCHISE TAX BOARD
Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's reply brief on the merits is hereby extended to December 5, 2005.

S134300

C041603 Third Appellate District

CALIF EARTH CORPS v. STATE LANDS COM
(DEVELOPERS DIVERSIFIED REALTY)
Extension of time granted

Respondent's time to file the opening brief on the merits is extended to November 30, 2005.

S134901
F045226 Fifth Appellate District

PEOPLE v. S.C. (VIDAL)
Extension of time granted

Petitioner's time to file the reply brief on the merits is extended to November 28, 2005.

S136841

RATEPAYERS FOR AFFORDABLE CLEAN
ENERGY v. CALIF PUBLIC UTILITIES COM
Extension of time granted

Petitioner's time to file the response to Motion to Dismiss is extended to December 15, 2005.

S136850
H027709 Sixth Appellate District

PEOPLE v. GEORGE
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Lyn A. Woodward is hereby appointed to represent appellant on the appeal now pending in this court.

S137270
Second Appellate District,
Division Two

NOA (JUAN CARLOS) ON H.C.
Extension of time granted

to December 14, 2005. This order is entered nunc pro tunc as of November 14, 2005, due to clerical error.

S004483

PEOPLE v. ALLEN (CLARENCE RAY)
Order filed

Upon request of Clarence Ray Allen for appointment of counsel, Michael Satris is hereby appointed to represent Clarence Ray Allen for the preparation and filing of a petition for clemency with the Governor of California.

S132034

DANNELL ON DISCIPLINE
Order filed

Having been notified by the State Bar that
Albin E. Danell, State Bar number 33124, was
deceased as of April 2, 2005, this proceeding is
dismissed with prejudice.

S134253

A108488 First Appellate District,
Division Three

INTERNATIONAL FEDERATION OF
PROFESSIONAL & TECHNICAL ENGINEERS v. S.C.
(CONTRA COSTA NEWSPAPERS)
Order filed

The application of Real Party in Interest
Oakland Police Officers' Association for leave to
file an Amended Reply Brief on the Merits is
hereby granted.

S134628

WRIGHT ON DISCIPLINE
Order filed

Having been notified by the State Bar that
**Richard Lyle Wright, State Bar number
200478**, was deceased as of July 23, 2005, the
order of disbarment filed August 23, 2005, is
VACATED nunc pro tunc.

S136916

B175355 Second Appellate District,
Division Four

W. (T.), IN RE
Order filed

Upon request of appellant for appointment of
counsel, Debra Fischl is hereby appointed to
represent appellant on the appeal now pending
in this court.

S138652

FORTY NINER SHOPS v. DEPT. OF ALCOHOLIC
BEVERAGE CONTROL et al.
Transferred to CA 2

S122093**HOHNS ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **CHRISTOPHER CHARLES HOHNS, State Bar No. 118886**, must be actually suspended from the practice of law for one year and until he demonstrates that all restitution ordered in S122093 (99-O-11037) has been paid, including any amount owed to the Client Security Fund. Credit toward the period of actual suspension will be given for the period of involuntary inactive enrollment which commenced on August 12, 2005 (Bus. & Prof. Code, § 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

S136957**HULTGREN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **JERRY R. HULTGREN, State Bar No. 134630**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. and Prof. Code, § 6126, subd. (c).)

S136962**MEDEIROS ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **Anthony David Medeiros, State Bar No. 138079**, be disbarred from the practice of law and that his name be

stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S136963

PRICE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Michael B. Price, State Bar Number 51363**, be suspended from the practice of law in the State of California for one year, that execution of the one-year suspension be stayed, and that he be placed on probation for two years on the conditions of probation, including thirty days' actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 18, 2005. Price is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-third of those costs must be added to and made a part of Price's annual State Bar membership fees for the years 2006, 2007, and 2008. (Bus. & Prof. Code, § 6086.10.)

S138780

KLARMAN ON RESIGNATION

Resignation accepted with disciplinary proceeding pending*

The voluntary resignation of **Marie Elena Klarman, State Bar No. 205918**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court

and that she perform the acts specified in subdivision (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

Bar Misc. 4186

**IN THE MATTER OF THE APPLICATION OF
THE COMMITTEE OF BAR EXAMINERS OF
THE STATE BAR OF CALIFORNIA FOR
ADMISSION OF ATTORNEYS**

Orders filed (each for motions #684 and # 685)

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(SEE LIST OF NAMES ATTACHED TO
ORIGINAL ORDERS

990793-05

THE HONORABLE RICHARD DAVID FYBEL, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Three, is hereby assigned to assist the Supreme Court, as a justice thereof, on November 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

990794-05

THE HONORABLE ARTHUR GILBERT, Presiding Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Supreme Court, as a justice thereof, on November 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

990796-05

THE HONORABLE GENE M. GOMES, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Supreme Court, as a justice thereof, on November 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 6 and 7, 2005**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on December 6 and 7, 2005.

TUESDAY, DECEMBER 6, 2005 - 2:00 P.M.

- S112621 Evans v. City of Berkeley
 (*Epstein, J., assigned justice pro tempore*)
- S031423 People v. Sturm (Gregory) [Automatic Appeal]
 (*Gomes, J., assigned justice pro tempore*)
- S063274 In re Thomas (Ralph) on Habeas Corpus
 (*Elia, J., assigned justice pro tempore*)

WEDNESDAY, DECEMBER 7, 2005 - 9:00 A.M.

- S136294 Costa v. Superior Court (Lockyer, Real Party in Interest)
 (*Aldrich, J., assigned justice pro tempore*)
- S123203 Rusheen v. Cohen
 (*Flier, J., assigned justice pro tempore*)
- S124636 People v. Hofsheier (Vincent)
 (*Fybel, J., assigned justice pro tempore*)
- S036864 People v. Guerra (Jose) [Automatic Appeal]
 (*Gilbert, J., assigned justice pro tempore*)

GEORGE
Chief Justice

Note: In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure.

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.